

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

JONATHAN L. MOORE,	:	
Plaintiff,	:	
	:	
v.	:	CA 09-452 ML
	:	
JOHN DOUGLASS, ET AL.,	:	
Defendants.	:	

**REPORT AND RECOMMENDATION**

David L. Martin, United States Magistrate Judge

Before the Court are two motions filed by Plaintiff Jonathan L. Moore ("Plaintiff"): Motion for Summary Judgment (Document ("Doc.") #11) and Motion for Judgment on Pleadings (Doc. #16) (collectively "Motions"). The Motions have been referred to me for preliminary review, findings, and recommended disposition pursuant to 28 U.S.C. § 636(b)(1)(B). For the reasons stated below, I recommend that the Motions be ruled moot.

A hearing on the Motions was held on April 13, 2010. At the hearing, the Court noted that Plaintiff had filed a Motion to Amend (Doc. #19) after filing the Motions. Plaintiff was given the option of foregoing the hearing on the Motions so that he could file an amended complaint. Plaintiff elected to do so. Accordingly, immediately after the hearing, the Court granted Plaintiff's Motion to Amend to the extent that Plaintiff could file an amended complaint which set forth all his claims in a single document. See Order re Rulings Made at April 13, 2010,

Hearing (Doc. #28) ("Order of 4/13/10"). On April 19, 2010, Plaintiff filed his Amended Complaint (Doc. #29).<sup>1</sup> See Docket.

Thus, the Amended Complaint supercedes the original complaint, and all prior pleadings are nullities. See Order of 4/13/10 at 2 n.1, 3 n.3. Therefore, Plaintiff's Motion for Summary Judgment and Plaintiff's Motion for Judgment on Pleadings should be ruled moot, and I so recommend.

Any objections to this Report and Recommendation must be specific and must be filed with the Clerk of Court within fourteen (14) days of its receipt. See Fed. R. Civ. P. 72(b); DRI LR Cv 72(d). Failure to file specific objections in a timely manner constitutes waiver of the right to review by the district court and of the right to appeal the district court's decision. See United States v. Valencia-Copete, 792 F.2d 4, 6 (1<sup>st</sup> Cir. 1986); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603, 605 (1<sup>st</sup> Cir. 1980).

/s/ David L. Martin  
DAVID L. MARTIN  
United States Magistrate Judge  
May 3, 2010

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<sup>1</sup> Plaintiff entitled his Amended Complaint as "(PROPOSED) AMENDED COMPLAINT." See Amended Complaint (Doc. #29). Defendants answered the Amended Complaint on April 22, 2010. See Answer to Amended Complaint (Doc. #30).